

101 RA-CW-246-2021 in/and
CWP-10581-2021

NEW INDIA ASSURANCE CO. LTD.
V/S
SURESH KUMAR SHARMA &ORS

Present: Mr. Vinod Gupta, Advocate for the applicant.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

RA-CW-246-2021

Learned counsel for the applicant submits that though it is mentioned in para 7 of the writ petition that the petitioner is not liable to indemnify the owner qua the parking charges, especially as there was no reason for the vehicle to be kept parked at the premises of respondent No. 2, but it is due to an inadvertent oversight that it is not stated in the writ petition that the vehicle in question is still standing parked at the premises of respondent No. 2 and has not been got repaired by respondent No. 1 till date.

Learned counsel for the applicant argues that at best the petitioner is liable to deposit the amount for repair of the vehicle and not the parking charges. These facts in the entirety are not stated in the writ petition and it is candidly stated today, were not brought to the notice of the Court at the time of passing of order dated 28.06.2021.

Notice of motion had not been issued in the writ petition, which was decided on 28.06.2021 in limine.

Keeping in view the facts as mentioned above, order dated 28.06.2021 is recalled. Writ petition be listed at its original number. Same is taken up for hearing today itself.

Review application is disposed of.

CWP-10581-2021

Notice of motion for 18.01.2022.

Petitioner shall deposit a sum of Rs.1,97,416/- within two weeks
alongwith Rs.5500/- litigation charges before the learned Executing Court. Said
amount be released to respondent No. 1.

Recovery of rest of the amount to remain stayed till the next date of
hearing only.

October 11, 2021
Rts

(Lisa Gill)
Judge